

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(WICHITA DOCKET)

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

'05 NOV 16 P12:01

UNITED STATES OF AMERICA,

Plaintiff,

v.

JORGE MEDINA-MONTES;
ARACELI RAMIREZ-MIARES;
MARIA DELSOCORRO;
SALVADOR LUNA, a/k/a Chava;
ROBERTA ANGELICA HERNANDEZ;
JESUS VIERA, a/k/a Chuy;
BEATRIZ A. SILVESTRE, a/k/a La Jefa;
VICTOR SIMENTAL-PEREZ, a/k/a Victor,
a/k/a Tontin, a/k/a Oscar;
MARTIN SOTO;
ANGEL SOTO, a/k/a Bigote;
JOSE MANUEL ARREOLA-AVILA;
HORACIO VELAZQUEZ;
JAIME BAILON-PONCE; and
CHRISTIAN WEBER,

Defendants.

Criminal Action

No. 05-10121-01-14, MLB

RALPH H. DELDACH

BY *B. Stinson*
U.S. DISTRICT COURT
WICHITA, KANSAS

SEALED

SEALED

SUPERSEDING INDICTMENT

The Federal Grand Jury charges:

COUNT 1

That from on or about July, 2004, the exact date being unknown to the Grand Jury, and continuously thereafter until on or about September 26, 2005, in the District of Kansas, and elsewhere,

JORGE MEDINA-MONTES,

the defendant herein, did knowingly, intentionally, unlawfully and willingly engage in a continuing

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criminal enterprise, in that the defendant repeatedly violated Title 21, United States Code, §§ 841(a)(1) and 843(b), which violations were part of a continuing series of violations of the Controlled Substances Act, Title 21, United States Code, § 801, et seq., undertaken by the defendant **JORGE MEDINA-MONTES**, in concert with at least five (5) other persons with respect to whom defendant, **JORGE MEDINA-MONTES**, occupied a position of organizer, supervisor, and manager, and from which such series of violations the said defendant obtained substantial income and resources.

All in violation of Title 21, United States Code, § 848.

COUNT 2

From on or about July 1, 2004, the exact date being unknown to the Grand Jury, and continuously thereafter until on or about September 26, 2005, in the District of Kansas, and elsewhere,

**JORGE MEDINA-MONTES; ARACELI RAMIREZ-MIARES,
MARIA DELSOCORRO; SALVADOR LUNA, a/k/a Chava;
ROBERTA ANGELICA HERNANDEZ; JESUS VIERA, a/k/a Chuy;
BEATRIZ A. SILVESTRE, a/k/a La Jefa;
VICTOR SIMENTAL-PEREZ, a/k/a Victor, a/k/a Tontin, a/k/a Oscar;
MARTIN SOTO; ANGEL SOTO, a/k/a Bigote; JOSE MANUEL ARREOLA-AVILA;
HORACIO VELAZQUEZ; JAIME BAILON-PONCE; and CHRISTIAN WEBER,**

the defendants herein, did willingly, knowingly and intentionally combine, conspire, confederate and agree together, with each other, and with Martin Ojeda, April Staton, Juan Delgadillo Ruiz, and David Hernandez, co-conspirators but not co-defendants herein, and with diverse other persons whose names are to the Grand Jury both known and unknown, to distribute methamphetamine, a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

Manner and Means of the Conspiracy

The object of the conspiracy was to be accomplished and was accomplished as follows:

1. During the period of the conspiracy, **JORGE MEDINA-MONTES** established and maintained a methamphetamine organization within the Wichita, Kansas, area.
2. During the period of the conspiracy, **JORGE MEDINA-MONTES** would and did cause methamphetamine to be brought to Wichita, Kansas, to be distributed.
3. During the period of the conspiracy, **JORGE MEDINA-MONTES** would and did receive for distribution methamphetamine from **VICTOR SIMENTAL-PEREZ**, a/k/a Victor, a/k/a Tontin, a/k/a Oscar, and others.
4. During the period of the conspiracy, **JORGE-MEDINA-MONTES, ARACELI RAMIREZ-MIARES, MARIA DELSOCORRO, ROBERTA ANGELICA HERNANDEZ, Martin Ojeda and April Staton** would and did distribute methamphetamine.
5. During the period of the conspiracy, **JORGE MEDINA-MONTES**, would direct **JESUS VIERA**, a/k/a Chuy; **SALVADORE LUNA**, a/k/a Chava; **MARTIN SOTO; ANGEL SOTO**, a/k/a Bigote; **JAIME BAILON-PONCE**; and Juan Delgadillo Rivas to deliver methamphetamine.
6. During the period of the conspiracy, it's members would and did communicate with each other by telephone to discuss and arrange for the distribution of methamphetamine and to distribute the proceeds for the methamphetamine trafficking.

Overt Acts

To effect the objects of the conspiracy, one or more defendants or conspirators committed diverse overt acts within the District of Kansas and elsewhere, among which Counts three through thirty-three are re-alleged and incorporated by reference as though fully set forth herein.

All in violation of Title 21, United States Code, § 846.

COUNT 3

On or about December 9, 2004, in the District of Kansas,

**ARACELI RAMIREZ-MIARES; MARIA DELSOCORRO;
and JORGE MEDINA-MONTES,**

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately two hundred and twenty-five (225) grams of a mixture or substance which contained a detectable amount of methamphetamine, at twelve (12) percent purity, which amounted to approximately twenty-seven (27) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 4

On or about January 6, 2005, in the District of Kansas,

**ARACELI RAMIREZ-MIARES; MARIA DELSOCORRO;
and JORGE MEDINA-MONTES,**

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately six hundred and three (603) grams of a mixture or substance which contained a detectable amount of

methamphetamine, at ten (10) percent purity, which amounted to approximately sixty (60) grams of pure methamphetamine, a controlled substance.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 5

On or about January 13, 2005, in the District of Kansas,

ARACELI RAMIREZ-MIARES; JORGE MEDINA -MONTES;
and **SALVADOR LUNA**, a/k/a Chava,

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately four hundred and thirty-four (434) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at eleven (11) percent purity, which amounted to approximately forty-seven (47) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 6

On or about January 20, 2005, in the District of Kansas,

JORGE MEDINA-MONTES,

the defendant herein, knowingly, intentionally, and unlawfully distributed approximately nine hundred and thirty-three (933) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at ten (10) percent purity, which amounted to approximately ninety-three (93) grams of pure methamphetamine.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, § 2.

COUNT 7

On or about February 17, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and ROBERTA ANGELICA HERNANDEZ,

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately fifty-five (55) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, of which twenty-eight (28) grams were at one hundred (100) percent purity, which amounted to approximately twenty-eight (28) grams of pure methamphetamine, and twenty-seven (27) grams at ninety (90) percent purity, which amounted to twenty four (24) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 8

On or about March 17, 2005, in the District of Kansas,

**JORGE MEDINA-MONTES;
JESUS VIERA, a/k/a Chuy;
SALVADOR LUNA, a/k/a Chava; and
BEATRIZ A. SILVESTRE, a/k/a La Jefa,**

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately two hundred and twenty-nine (229) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at sixty-two (62) percent purity, which amounted to approximately one hundred and forty-one (141) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 9

On or about March 28, 2005, in the District of Kansas,

**JORGE MEDINA-MONTES; and
VICTOR SIMENTAL-PEREZ, a/k/a Victor, a/k/a Tontin, a/k/a Oscar,**

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately one thousand three hundred and seventy-five (1375) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at sixty-three (63) percent purity, which amounted to eight hundred and sixty-six (866) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 10

On or about April 15, 2005, in the District of Kansas,

**JORGE MEDINA-MONTES; BEATRIZ A. SILVESTRE;
MARTIN SOTO; and ANGEL SOTO, a/k/a Bogote,**

the defendants herein, knowingly, intentionally, and unlawfully possess with intent to distribute approximately eight hundred and twenty (820) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at fifty-seven (57) percent purity, which amounted to approximately four hundred and sixty-seven (467) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 11

On or about April 21, 2005, in the District of Kansas,

JORGE MEDINA-MONTES,

the defendant herein, and April Staton, unindicted herein, knowingly, intentionally, and unlawfully distributed approximately fifty-six (56) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at sixty-eight (68) percent purity, which amounted to approximately thirty-eight (38) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 12

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and JAIME BAILON-PONCE,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 8:06 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JAIME BAILON-PONCE** used the telephone to contact **JORGE MEDINA-MONTES**. **JORGE MEDINA-MONTES** gave telephone number (316) 207-3816 to **JAIME BAILON-PONCE** to contact **CHRISTIAN WEBER** to arrange a methamphetamine transaction.

All in violation of Title 21, United States Code, § 843(b).

COUNT 13

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and CHRISTIAN WEBER,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone

assigned (316) 409-2081 at approximately 8:11 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to call **CHRISTIAN WEBER** to discuss a distribution of methamphetamine. All in violation of Title 21, United States Code, § 843(b).

COUNT 14

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and JAIME BAILON-PONCE,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 8:18 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to give instructions to **JAIME BAILON-PONCE** for the delivery of methamphetamine to **CHRISTIAN WEBER**.

All in violation of Title 21, United States Code, § 843(b).

COUNT 15

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and JAIME BAILON-PONCE,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 8:24 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to give instructions to **JAIME BAILON-PONCE** for the distribution of methamphetamine to **CHRISTIAN WEBER**.

All in violation of Title 21, United States Code, § 843(b).

COUNT 16

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and **ANGEL SOTO** a/k/a Bigote,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 9:08 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **ANGEL SOTO**, a/k/a Bigote used the telephone to inform **JORGE MEDINA-MONTES** about the status of distribution to **CHRISTIAN WEBER**.

All in violation of Title 21, United States Code, § 843(b).

COUNT 17

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and **ANGEL SOTO**, a/k/a Bigote,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 9:17 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to contact **ANGEL SOTO**, a/k/a Bigote, about the quantity and quality of methamphetamine that was to be delivered to **CHRISTIAN WEBER**.

All in violation of Title 21, United States Code, § 843(b).

COUNT 18

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and **JAIME BAILON-PONCE**,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 9:20 p.m. in facilitating the commission of a violation of

Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to contact **JAIME BAILON-PONCE** concerning the status of methamphetamine distribution to **CHRISTIAN WEBER**.

All in violation of Title 21, United States Code, § 843(b).

COUNT 19

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and **JAIME BAILON-PONCE**,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 9:27 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JAIME BAILON-PONCE** used the telephone to inform **JORGE MEDINA-MONTES** that **CHRISTIAN WEBER** did not want to buy the methamphetamine because of its quality and quantity.

All in violation of Title 21, United States Code, § 843(b).

COUNT 20

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and **ANGEL SOTO**, a/k/a Bigote,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 9:32 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to instruct **ANGEL SOTO**, a/k/a Bigote, that **JORGE MEDINA-MONTES** will make arrangements to return the unsold quantity of methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 21

On or about April 26, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and HORACIO VELAZQUEZ,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 9:33 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to contact **HORACIO VELAZQUEZ** to arrange for the return of the methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 22

On or about April 27, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and JAIME BAILON-PONCE,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 4:39 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to instruct **JAIME BAILON-PONCE** to contact **CHRISTIAN WEBER** about the purchase of methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 23

On or about April 27, 2005, in the District of Kansas,

JAIME BAILON-PONCE and CHRISTIAN WEBER,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 8:21 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JAIME BAILON-PONCE** used the

telephone to call **CHRISTIAN WEBER** to discuss and arrange a meeting to examine an amount of methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 24

On or about April 27, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and **HORACIO VELAZQUEZ**,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 8:35 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to discuss with **HORACIO VELAZQUEZ** a distribution of methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 25

On or about April 27, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and **HORACIO VELAZQUEZ**,

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 9:16 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES** used the telephone to notify **HORACIO VELAZQUEZ** that the methamphetamine was sold and that the customer wanted to buy another two pounds of methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 26

On or about April 28, 2005, in the District of Kansas,

**JORGE MEDINA-MONTES;
JAIME BAILON-PONCE; and CHRISTIAN WEBER,**

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 4:12 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES and JAIME BAILON-PONCE** used the telephone to call **CHRISTIAN WEBER** to set up a meeting for the payment for methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 27

On or about April 28, 2005, in the District of Kansas,

**JORGE MEDINA-MONTES;
JAIME BAILON-PONCE; and CHRISTIAN WEBER,**

defendants herein, knowingly and intentionally used a communication facility, that is: telephone assigned (316) 409-2081 at approximately 5:45 p.m. in facilitating the commission of a violation of Title 21, United States Code, §§ 841(a)(1) and 846 in that **JORGE MEDINA-MONTES, JAIME BAION-PONCE, and CHRISTIAN WEBER** used the telephone to discuss the payment for methamphetamine.

All in violation of Title 21, United States Code, § 843(b).

COUNT 28

On or about April 29, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and MARIA DELSOCORRO,

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately three

hundred and sixty (360) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 29

On or about May 4, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and MARTIN SOTO,

the defendants herein, knowingly, intentionally, and unlawfully possessed with the intent to distribute approximately fifty-two (52) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at ninety-four (94) percent purity, which amounted to approximately forty-nine (49) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 30

On or about May 5, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and MARTIN SOTO,

the defendants herein, knowingly, intentionally, and unlawfully possessed with intent to distribute approximately three hundred and twenty (320) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, at ninety-one (91) percent purity, which amounted to approximately two hundred and ninety-one (291) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 31

On or about May 17, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and MARIA DELSOCORRO,

the defendants herein, knowingly, intentionally, and unlawfully distributed approximately one hundred and twenty-two (122) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 32

On or about May 23, 2005, in the District of Kansas,

**JORGE MEDINA-MONTES; JAIME BAILON-PONCE;
and ANGEL SOTO, a/k/a Bigote,**

the defendants herein, knowingly, intentionally, and unlawfully possessed with the intent to distribute approximately three hundred and forty- four (344) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 33

On or about May 24, 2005, in the District of Kansas,

JORGE MEDINA-MONTES and JOSE MANUEL ARREOLA,

the defendants herein, knowingly, intentionally, and unlawfully possessed with the intent to distribute approximately thirty-nine (39) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 34

On or about February 5, 2004, in the District of Kansas,

HORACIO VELAZQUEZ,

the defendant herein, knowingly, intentionally, and unlawfully distributed approximately one hundred and twelve (112) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance.

All in violation of Title 21, United States Code, § 841(a)(1).

COUNT 35

On or about September 2, 2003, in the District of Kansas,

HORACIO VELAZQUEZ,

the defendant herein, knowingly, intentionally, and unlawfully distributed approximately one hundred and twelve (112) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance.

All in violation of Title 21, United States Code, § 841(a)(1) .

COUNT 36

On or about April 8, 2005, in the District of Kansas,

CHRISTIAN WEBBER,

the defendant herein, knowingly, intentionally, and unlawfully possessed with the intent to distribute approximately one hundred and seventy-five (175) grams of a mixture or substance which contained a detectable amount of methamphetamine, a controlled substance, of which approximately eighty-two (82) grams at eighty-nine (89) percent purity, which amounted to

approximately seventy-two (72) grams of pure methamphetamine and ninety-three (93) grams at ninety-two (92) percent purity, which amounted to eighty-five (85) grams of pure methamphetamine.

All in violation of Title 21, United States Code, § 841(a)(1) and Title 18, United States Code, § 2.

COUNT 37

On or about April 6, 2005, in the District of Kansas,

JORGE MEDINA-MONTES,

the defendant herein, knowingly and with intent to deceive Leasing Plus & Total Management and others, represented a social security account number ending with "0956" to be his, when in fact such number was not assigned to him.

In violation of Title 42, United States Code, § 408(a)(7)(B).

COUNT 38

On or about April 6, 2005, in the District of Kansas,

JORGE MEDINA-MONTES,

the defendant herein, did knowingly, without lawful authority, use a means of identification of another person, that is a social security account number ending with "0956" during and in relation to a felony that is, a violation of Title 42, United States Code, § 408(a)(7)(B).

In violation of Title 18, United States Code, § 1028A.

COUNT 39

On or about May 24, 2005, in the District of Kansas,

JOSE MANUEL ARREOLA-AVILA,

the defendant herein, knowingly and with intent to deceive The Wichita Police Department, and others,

represented a social security account number ending with "9036" to be his, when in fact such number was not assigned to him.

In violation of Title 42, United States Code, § 408(a)(7)(B).

COUNT 40

On or about May 24, 2005, in the District of Kansas,

JOSE MANUEL ARREOLA-AVILA,

the defendant herein, did knowingly, without lawful authority, use a means of identification of another person, that is a social security account number ending with "9036" during and in relation to a felony that is, a violation of Title 42, United States Code, § 408(a)(7)(B).

In violation of Title 18, United States Code, § 1028A.

COUNT 41

As a result of committing the controlled substance offense alleged in Counts 1 and 2 of this Superseding Indictment,

JORGE MEDINA-MONTES,

the defendant herein, shall forfeit to the United States pursuant to Title 21 U.S.C., §§ 853 and 848, any and all property constituting or derived from proceeds, obtained directly or indirectly, as a result of the said violations, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations charged in Counts 1 and 2, including but not limited to the following:

1. **Money Judgment**

A sum of money equal to fifteen thousand eight hundred and four dollars (\$15,804) in United States Currency, representing the amount of proceeds obtained as a result of Counts 1 and 2, conspiracy to distribute controlled substances and continuing criminal enterprise.

A TRUE BILL

11/16/05
DATE

Barbara Brack
FOREMAN OF THE GRAND JURY

Eric F. Melgren
Eric F. Melgren
United States Attorney
District of Kansas
301 N. Main, Suite 1200
Wichita, Kansas 67202
(316) 269-6481
Ks. S. Ct. No. 12430

(It is requested that trial be held in Wichita, Kansas.)

Returned in open court this 16th day of November, 2005.

J. Thomas Martin
UNITED STATES DISTRICT MAGISTRATE JUDGE